

**ADEQ's summary of EPA Draft Issue Discussion Papers regarding
the transition to the 8-hour ozone standard.
September 20, 2002**

1. Classifications - How will EPA reconcile Subparts 1 and 2? How will EPA classify nonattainment areas for the 8-hour standard? What attainment dates would apply? (7/30/02)

(Former option paper: Classification of nonattainment areas for the 8-hour Standard, 3/01/02)

Two options are currently proposed, but EPA expects to select only one for its proposed rulemaking.

Option 1: All 8-hour nonattainment areas would be classified under Part D, Subpart 2 of the Clean Air Act (CAA) based on 8-hour design values. Areas would be required to attain the standard by the dates prescribed for attainment in the 1990 CAA Amendments (Table 1 in CAA section 181). The classification thresholds (marginal, moderate, serious... in Table 1) would be set for the 8-hour standard at the same percentage above the standard as in the current 1-hour classification scheme.

Option 2: Separate areas into Subpart 1 and Subpart 2 areas based on 1-hour design values, then classify the areas based on 8-hour design values. EPA would have discretion to classify areas below 0.121 ppm (submarginal) under CAA Part D, Subpart 1; those at or above 0.121 ppm would be classified under Subpart 2. For those areas subject to subpart 1, EPA is proposing three approaches for classification.

- a) All areas would need to demonstrate attainment no later than 5 years after designation or up to 10 years if the severity of the problem indicates more time is needed.
- b) Use the 1998 proposed classification system:
 - "Transitional" classification for areas attaining the 1-hour standard that submit an attainment demonstration prior to designation that provides for attainment earlier than required under CAA. Offers less restrictive new source review (NSR) and conformity requirements.
 - "Traditional" classification for most other areas that do not qualify for "transitional". Must meet all subpart 1 requirements.
 - "International Transport" classification for areas significantly affected by transport from Canada and Mexico, based on CAA section 179B provisions.
- c) Interstate transport classification. Could be combined with either Option a)

or b) and takes into account upwind source contributions. The area's attainment date would be consistent with the upwind area's date.

2. Transition from the 1-hour to the 8-hour standard - How will EPA transition from the 1-hour to the 8-hour standard? (7/30/02)

(Former option paper: Transition from the 1-hour O3 NAAQS to the 8-hour O3 NAAQS, 3/01/02)

This paper presents options related to when the 1-hour standard will no longer apply and the prevention of backsliding after revocation of the 1-hour standard. There are currently two options (EPA's preference is for the first).

Option 1: EPA would revoke an area's 1-hour standard one year after its 8-hour designation. This option is consistent with the 1-year grace period for application of conformity and ensures conformity would be applicable for only one standard at a time. Because of an expected lag before 8-hour SIP motor vehicle emissions budgets would be in place, however, this may require areas to do interim build/no-build tests or "no greater than baseline" tests.

Option 2: The 1-hour standard would be revoked at the time EPA finds an area's motor vehicle budget under the 8-hour standard to be adequate. This means conformity would apply under both standards for at least one year following the 8-hour designation, with the build/no-build or "no greater than baseline" test for the 8 hr standard and an established budget for the 1-hr standard until the 1-hour standard is revoked.

For issues related to anti-backsliding, EPA proposes that: 1-hour SIP revisions would be approved under 110(1), but any 1-hour nonattainment area still classified under subpart 2 at the time it was designated for the 8 hour standard would still need to meet the requirements of the 1-hour classification. SIP measures not specifically required under subpart 2 could be replaced with other measures as long as section 110(l) requirements were met.

3. Attainment dates - How will EPA treat attainment dates for the 8-hour ozone standard? (7/30/02)

(Former option paper: Options on Attainment Dates for 8-hour Ozone Standard, 2/26/02)

The current proposed approach for areas under subpart 2 is to run the attainment period from the date that the area is classified (i.e., marginal would be three years, moderate 6 years, serious 9 years, etc). See paper #1 summary for EPA's proposed

attainment dates for areas under subpart 1.

4. Flexibility in mandatory measures - Should prescribed requirements of Subpart 2 apply in all 8-hour nonattainment areas classified under Subpart 2, or is there flexibility to apply equivalent measures, or drop some requirements altogether if in certain narrowly defined circumstances they are determined to be inappropriate? (7/21/02)

EPA does not believe the CAA permits EPA to broadly waive the subpart 2 mandatory measures and as such, is proposing that such measures will apply to those areas designated under subpart 2. EPA is considering allowing case-by-case waivers where sufficient evidence shows “absurd results” would occur through implementation of specific requirements.

5. Ambient monitoring - What ambient monitoring requirements will apply under the 8-hour ozone NAAQS? (8/20/02)

The current ozone monitoring requirements contained in 40 CFR Part 58 under review as part of the National Air Monitoring Strategy and are expected to be revised in a separate rulemaking. The regulatory modifications are expected to include ozone monitoring requirements based on area population and historic/forecasted air quality values. The requirements are also anticipated to include measuring multiple air pollutants at certain locations, including high-sensitivity nitrogen oxide and reactive nitrogen measurements. Locally, there are expected to be relocations, additions, and removal of ozone monitoring sites based on regional network assessments.

6. General conformity - What should the requirements for general conformity be? Will there be different de minimis emission levels for Federal actions? (8/30/02)

Section 176(c) of the Clean Air Act requires a determination that any action by a Federal entity will not interfere with the SIP or the attainment or maintenance of the national ambient air quality standards (NAAQS). EPA is currently reviewing its general conformity regulations, however, it is proposing to retain the existing de minimis emissions levels at this time. EPA does suggest that states and local air quality agencies work with major affected facilities (e.g. airports) to establish emission budgets for those facilities to facilitate future conformity determinations.

7. Optimal controls - How will EPA ensure that the 8-hour ozone standard will be implemented in a way that allows an optimal mix of controls for ozone, PM_{2.5} and regional haze? (8/20/02)

(Former option paper: Integration of Air Quality Designations and Classifications for

the 8-hour Ozone and PM2.5 NAAQS, 2/28/02)

EPA understands that, in some cases, development of control plans will be complicated by the need to assess the impact of precursors of ozone, PM 2.5 and haze. EPA does not believe, however, that the CAA provides any relief to give additional time to perform the complicated analysis – under such circumstances the state is still responsible for submitting attainment demonstrations by the established applicable date. As such, EPA believes a mid-course review of an approved 8 hour plan is important and invites comments related to an approach requiring such a submittal.

8. SIP submissions - When will EPA require SIP 8-hour submissions? (8/30/02)

EPA proposes to follow the time frames contained in section 172(b) of Subpart 1 (submittal date no later than 3 years following the nonattainment designation) and the schedule contained in section 182 of Subpart 2 (specified time frame dependent on classification) of the Clean Air Act. The time frame would be from the date an area is designated for the 8 hour standard.